

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-579-FL

JAMES K. MITCHELL,)
)
Plaintiff,)
)
v.) ORDER
MICHAEL J. ASTRUE,)
Commissioner of)
Social Security)
)
Defendant)

This matter is before the Court on defendant's Motion for Remand to the Commissioner. Plaintiff's counsel has indicated that he does not oppose the defendant's Motion for Remand.

Accordingly, for good cause shown, the Court hereby reverses the Commissioner's decision and remands, under sentence four of 42 U.S.C. § 405(g), the case to the Commissioner for additional proceedings to allow the defendant to further evaluate whether the plaintiff has an impairment that meets or medically equals the severity of an impairment in the listing of impairments in 20 C.F.R. Part 404, Subpart P, Appendix 1. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

The Clerk of the Court is directed to enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. SO ORDERED this 8th day of July, 2011.



LOUISE W. FLANAGAN
CHIEF UNITED STATES DISTRICT JUDGE